

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

DIEING et al.

Serial No. 09/913,980

Filed: August 21, 2001

For: HAIR COSMETIC FORMULATIONS



MAIL STOP FEE AMEND

Group: 1617

Examiner: Jiang

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on:

Date of Deposit September 24, 2004
Person Making Deposit Herbert B. Keil
Signature Herbert B. Keil
Date of Signature September 24, 2004

Honorable Comm'r. of Patents
PO Box 1450
Alexandria, VA 22313-1450



AMENDMENT

09-27-2004

U.S. Patent & TMO/TM Mail Rpt Dt. #11

Sir:

In response to the office action of July 27, 2004, kindly enter and consider the present amendment and attached Terminal Disclaimers.

09/2004 RHARMON 00000001 110345 09913980
FC:1202 18.00 DA

RECEIVED
OCT 19 2004
OIE/JCWS

the acid part of the ester) whereas applicants claim vinyl ester of C₁-C₂₄-carboxylic acids (i.e. the double bond is in the alcohol part of the ester).

Consequently, the produced polymers are distinct, and after having performed the (partial) hydrolysis according to applicants' claims, applicants' polymers have vinyl alcohol units in the polymer backbone, whereas Blankenburg would have carboxylic acid units.

It is thus clear that Blankenburg et al. does not anticipate--or for that matter render obvious--applicants invention as claimed.

The double patenting rejections

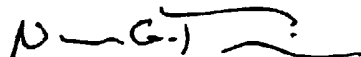
Applicants hereby file terminal disclaimers as to US Patent Nos. 6,403,074 and 6,770,293. This should overcome the double patenting rejections of these patents.

Conclusion

For the reasons set out above, allowance is respectfully solicited.

Please charge any shortage in fees due in connection with the filing of this paper, including Extension of Time fees to Deposit Account No. 11.0345. Please credit any excess fees to such deposit account.

Respectfully submitted,
KEIL & WEINKAUF



Norman G. Torchin
Reg. No. 34,068

1350 Connecticut Avenue, N.W.
Washington, D.C. 20036
(202) 659-0100
NGT/kas